



06 MAY 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

James E. Ledbetter
Stevens Davis Miller & Mosher, L.L.P.
1615 L Street, NW, Suite 850
P.O. Box 34387
Washington, D.C. 20043-4387

In re Application of
UENO et al.
Application No.: 10/501,022
PCT No.: PCT/JP03/00048
Int. Filing Date: 07 January 2003
Priority Date: 10 January 2002
Attorney Docket No.: L8462.04121
For: DISK DRIVE

DECISION ON REQUEST

This decision is in response to applicants' "Petition under 37 CFR 1.182" filed 31 March 2005. The \$400 petition fee has been submitted.

BACKGROUND

On 07 January 2003, applicants filed international application no. PCT/JP03/00048 which claimed a priority date of 10 January 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 July 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 10 July 2004.

On 09 July 2004, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; and an executed declaration.

On 15 September 2004, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration filed 09 July 2004 was defective because the second inventor's name on the declaration did not correspond with the published international application.

On 15 December 2004, applicants filed "Response to Notification of Missing Requirements" stating that the second inventor's name is Teruyuki Naka, not Akiyuki Naka. In a "Decision on Request" dated 07 February 2005, the Office of PCT Legal Administration indicated that the declaration filed 09 July 2004 was not in compliance with 37 CFR 1.497.

On 31 March 2005, applicants filed a "Petition under 37 CFR 1.182."


DISCUSSION

A review of the present petition, including the declaration of Teruyuki Naka, Keiichi Yubakami, and Teruo Miyai, reveals that without deceptive intent the PCT documents corresponding to the above identified application incorrectly transliterated the first name of the inventor as "AKIYUKI " instead of "TERUYUKI." As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, the spelling of the inventor's name is noted for the record.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to United States Designated/Elected Office for further processing with the name of the inventor as TERUYUKI Naka and for review of the national stage papers submitted 09 July 2004 and, if appropriate, preparation and mailing of the Notification of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating a date of **09 July 2004** under 35 U.S.C. 371(c).



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Fax: 571-273-0459